

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEFFREY HOWARD,

Plaintiff,

v.

UNION PACIFIC RAILROAD CO.,

Defendant.

**8:21CV396**

**ORDER**

This matter is before the Court on defendant's motion to dismiss Count II of the complaint. [Filing No. 5](#). The parties have likewise stipulated for the dismissal of Count II. [Filing No. 10](#). The Court has reviewed the motion, stipulation and complaint and finds the motion should be granted.

THEREFORE, IT IS ORDERED that:

1. The defendant's motion to dismiss Count II of the complaint, [Filing No. 5](#), is granted.
2. The parties' joint stipulation to dismiss Count II of the complaint with prejudice, [Filing No. 10](#), is granted.

Dated this 28th day of December, 2021.

BY THE COURT:

s/ Joseph F. Bataillon \_\_\_\_\_  
Senior United States District Judge